

Amendments to the Claims:

1-52. (Canceled).

53. (Previously presented) An isolated nucleic acid molecule comprising a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.

54. (Previously presented) An isolated nucleic acid molecule comprising:

a) nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:22; and

b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.

55. (Previously presented) An isolated nucleic acid molecule comprising a portion of the nucleotide sequence of SEQ ID NO:52, the portion comprising a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.

56. (Previously presented) An isolated nucleic acid molecule comprising a portion of the nucleotide sequence of SEQ ID NO:52, the portion comprising:

a) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:22; and

b) a nucleotide sequence encoding a polypeptide comprising the amino acid sequence of SEQ ID NO:23.

57. (Currently amended) An isolated nucleic molecule comprising a nucleotide sequence encoding a polypeptide having an amino acid sequence that is at least ~~70%~~ 85% identical to SEQ ID NO:23, wherein ~~the isolated nucleic acid molecule hybridizes to the portion of SEQ ID NO:52 encoding SEQ ID NO:23 at 57°C in 0.368 M Na⁺ and 50% formamide, and wherein the~~ polypeptide is toxic to a nematode.

~~59~~ 58. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the nucleic acid molecule is a nematode nucleic acid molecule.

~~60~~ 59. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the nematode is *C. elegans*.

~~64~~ 60. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 85% identical to SEQ ID NO:23.

~~62~~ 61. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 90% identical to SEQ ID NO:23.

~~63~~ 62. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 95% identical to SEQ ID NO:23.

~~64~~ 63. (Currently amended) The isolated nucleic acid molecule of claim 57 wherein the polypeptide is at least 98% identical to SEQ ID NO:23.

~~65~~ 64. (Currently amended) An isolated nucleic acid molecule encoding a fragment of a polypeptide consisting of the amino acid sequence of SEQ ID NO:23, wherein the fragment is toxic to a nematode.

~~66~~ 65. (Currently amended) A method for producing a polypeptide, comprising:
(a) providing a cell harboring the isolated nucleic acid molecule of claim 53 or claim 57 operatively linked to expression control elements; and
(b) culturing the cell under conditions in which the polypeptide encoded by the nucleic acid molecule is expressed.

~~67~~ 66. (Currently amended) A recombinant vector comprising the nucleic acid molecule of claim 53 ~~for~~ or claim 57.

Applicant : James Alun Wynne Morgan, et al.
Serial No. : 09/889,874
Filed : July 23, 2001
Page : 4 of 5

Attorney's Docket No.: 13384-002001

~~68~~ 67. (Currently amended) The recombinant vector of claim ~~67~~ 66 wherein the vector is a plant vector.

~~69~~ 68. (Currently amended) A host cell containing the vector of claim ~~67~~ 66.

~~70~~ 69. (Currently amended) The host cell of claim ~~69~~ 68 wherein the host cell is a plant cell.

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Serial No. : 09/889,874
Filed : July 23, 2001
Page : 5 of 5

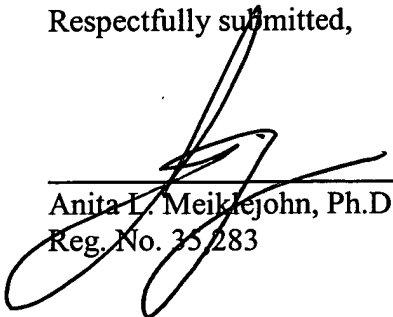
Attorney's Docket No.: 13384-002001

As requested in the Notice of Non-Compliant Amendment mailed February 17, 2006 ("the Notice"), Applicant's have corrected the status of claims 53-56. No new matter is introduced.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 28 FEB 2006



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